

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.)
)
BRIAN TODD and) CR. NO. 04-10246-PBS
SHAUN TODD)

ASSENTED-TO MOTION TO CONTINUE TRIAL

The United States of America, by and through its attorneys United States Attorney Michael J. Sullivan and Assistant United States Attorney Donald L. Cabell, hereby moves with the defendant's assent that the Court continue the trial in this matter, presently scheduled for July 5, 2005, to a date in August or thereafter. In support of the motion, the parties understand that it is most probable that another matter presently pending before the Court is likely to proceed to trial on July 5th, and that that matter is expected to last approximately two weeks. In light of the fact that July 5th follows the July 4th long holiday weekend, and in order to provide a date certain for the several anticipated witnesses who are seeking to formalize summer plans, the parties respectfully believe that a formal continuance is appropriate.

Further, counsel for the defendants has essentially been on trial non-stop since the parties' last pretrial conference, and will be on trial essentially up to July 5th. Similarly, the undersigned AUSA has been preparing for trial not only in this and other matters, but also United States v. Matthew Dwinnels,

Cr. No, 04-10010-PBS, which is scheduled to begin in this Court on July 25, 2005.

Finally, although the parties are mindful that a hard and fast trial date may encourage the pace of settlement discussions, the parties have had ongoing discussions regarding resolution of the case short of trial and a brief continuance would give the parties the opportunity to resume and hopefully complete such discussions.

Accordingly, the government moves with the defendant's assent that the Court continue the trial to at least August of 2005.

Respectfully submitted,
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